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THE CONSTITUTION.

ARTICLE V.

JURISPRUDENCE.

Sec. 1. The General Assembly shall pass such laws as may be necessary and proper, to decide differences by arbitrators, to be appointed by the parties who may choose that summary mode of adjustment.

Sec. 2. It shall be the duty of the General Assembly to pass the necessary laws for the change of venue in all cases, civil and criminal, over which the Circuit Courts have original jurisdiction, upon a proper showing, supported by affidavit, that a fair and impartial trial cannot be had in the County where such trial or prosecution was commenced.

Sec. 3. The General Assembly, at its first session after the adoption of this Constitution, shall make provision to revise, digest and arrange, under proper heads, the body of our laws, civil and criminal, and form a penal code, founded upon principles of reformation, and have the same promulgated in such manner as they may direct; and a like revision, digest and promulgation shall be made within every subsequent period of ten years. That justice shall be administered in a uniform mode of pleading, without distinction between law and equity, they shall provide for abolishing the distinct forms of action, and for that purpose shall appoint some suitable person or persons, whose duty it shall be to revise, simplify, and abridge the rules, practice, pleadings and forms of the court now in use in the State.

ARTICLE VI.

EMINENT DOMAIN.

Sec. 1. The State shall have concurrent jurisdiction on all rivers bordering on this State, so far as such rivers shall form a common boundary to this and any other State bounded by the same; and they, together with all other navigable waters within the limits of the State, shall be common highways, and forever free, as well to the inhabitants of this State as to the citizens of the United States, without any tax or impost therefor, unless the same be expressly provided for by the General Assembly.

Sec. 2. The title to all lands and other property, which have heretofore accrued to this State by grant, gift, purchase, forfeiture, escheats, or otherwise, shall vest in the State of South Carolina the same as though no change had taken place.

Sec. 3. The people of the State are declared to possess the ultimate property in and to all lands within the jurisdiction of the State; and all lands, the title to which shall fail from defect of heirs, shall revert, or escheat to the people.

ARTICLE VII.

IMPEACHMENTS.

Sec. 1. The House of Representatives shall have the sole power of impeachment. A vote of two-thirds of all the members elected shall be required for an impeachment, and any officer impeached, shall thereby be suspended from office until judgment in the case shall have been pronounced.

Sec. 2. All impeachments shall be tried by the Senate, and when sitting for that purpose, they shall be under oath or affirmation. No person shall be convicted except by vote of two-thirds of all members elected. When the Governor is impeached, the Chief Justice of the Supreme Court, or the senior Judge, shall preside, with a casting vote in all preliminary questions.

Sec. 3. The Governor and all other executive and judicial officers shall be liable to impeachment; but judgment in such cases shall not extend further than removal from office.—The persons convicted shall, never-

theless, be liable to indictment, trial and punishment according to law.

Sec. 4. For any wilful neglect of duty, or other reasonable cause, which shall not be sufficient ground of impeachment, the Governor shall remove any executive or judicial officer on the address of two-thirds of each House of the General Assembly; *Provided*, That the cause or causes for which said removal may be required shall be stated at length in such address, and entered on the journal of each House; and *provided further*, that the officer intended to be removed shall be notified of such cause or causes, and shall be admitted to a hearing in his own defence before any vote for such address; and in all cases the vote shall be taken by yeas and nays, and be entered on the journals of each House respectively.

ARTICLE VIII.

RIGHT OF SUFFRAGE.

Sec. 1. In all elections by the people the electors shall vote by ballot.

Sec. 1. Every male citizen of the United States, of the age of twenty-one years and upwards, not laboring under the disabilities named in this Constitution, without distinction of race, color, or former condition, who shall be a resident of this State at the time of the adoption of the Constitution, or shall thereafter reside in this State one year, and in the County in which he offers to vote, sixty days next preceding any election, shall be entitled to vote for all officers that are now, or hereafter may be, elected by the people, and upon all questions submitted to the electors at any elections; *Provided*, That no person shall be allowed to vote or hold office who is now or hereafter may be disqualified therefor by the Constitution of the United States; until such disqualification shall be removed by the Congress of the United States; *Provided further*, That no person, while kept in any almshouse or asylum, or of unsound mind, or confined in any public prison, shall be allowed to vote or hold office.

Sec. 3. It shall be the duty of the General Assembly to provide from time to time for the registration of all electors.

Sec. 4. For the purpose of voting no person shall be deemed to have lost his residence by reason of absence while employed in the service of the United States, nor while engaged upon the waters of this State or the United States, or of the high seas, nor while temporarily absent from the State.

Sec. 5. No soldier or seaman in the army or navy of the United States shall be deemed a resident of this State in consequence of having been stationed therein.

Sec. 6. Electors shall, in all cases, except treason, felony or breach of the peace be privileged from arrest and civil process during their attendance at elections, and in going to and returning from the same.

Sec. 7. Every person entitled to vote at any election shall be eligible to any office which now is or hereafter shall be elective by the people in the County where he shall have resided sixty days previous to such election, except as otherwise provided in this Constitution and laws of the United States.

Sec. 8. The General Assembly shall never pass any laws that will deprive any of the citizens of the rights of suffrage except for treason, murder robbery, or duelling whereof the persons shall have been duly tried and convicted.

Sec. 9. Presidential electors shall be elected by the people.

Sec. 10. In all elections held by the people under this Constitution, the person or persons who shall receive the highest number of votes, shall be declared elected.

Sec. 11. The provisions of this Constitution concerning terms of residence necessary to enable certain persons to hold certain offices therein mentioned, shall not be held to apply to officers chosen by the people at the first session.

Sec. 12. No person shall be disfranchised for felony or other crime committed while such person was a slave.

ARTICLE IX.

FINANCE AND TAXATION.

Sec. 1. The General Assembly shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valua-

tion for a taxation of all property, real, personal and possessory, except mines and mining claims, the proceeds alone shall be taxed; and also excepting such property as may be exempted by law for municipal, educational, literary, scientific, religious or charitable purposes.

Sec. 2. The General Assembly may provide annually for a poll tax not to exceed one dollar on each poll, which shall be applied exclusively to the public school fund. And no additional poll tax shall be levied by any municipal corporation.

Sec. 3. The General Assembly shall provide for an annual tax sufficient to defray the estimated expenses of the State for each year; and whenever it shall happen that such ordinary expenses of the State for any year shall exceed the income of the State for such year, the General Assembly shall provide for levying a tax for the ensuing year, sufficient, with other sources of income, to pay the deficiency of the preceding year, together with the estimated expenses of the ensuing year.

Sec. 4. No tax shall be levied except in pursuance of a law which shall distinctly state the object of the same; to which such tax shall be applied.

Sec. 5. It shall be the duty of the General Assembly to enact laws for the exemption from taxation of all public schools, colleges and institutions of learning, all charitable institutions in the nature of asylums for the infirm, deaf and dumb, blind, idiotic and indigent persons, all public libraries, churches and burying grounds; but property of associations and societies, although not connected with charitable objects, shall not be exempt from State, County or municipal taxation; *Provided*, That this exemption shall not extend beyond the buildings and premises actually occupied by such schools, colleges, institutions of learning, asylums, churches, burial grounds, although connected with charitable objects.

Sec. 6. The General Assembly shall provide for the valuation and assessment of all lands and the improvements thereon prior to the assembling of the General Assembly of 1870, and thereafter on every fifth year.

Sec. 7. For the purpose of defraying extraordinary expenditures, the State may contract public debts; but such debts shall be authorized by law for some single object, to be distinctly specified therein; and no such law shall take effect until it shall have been passed by the vote of two-thirds of the members of each branch of the General Assembly, to be recorded by yeas and nays, on the journals of each House respectively; and every such law shall levy a tax annually to pay the annual interest on such debt.

Sec. 8. The corporate authorities of Counties, townships, school districts, cities, towns, and villages may be vested with power to assess and collect taxes for corporate purposes; such taxes to be uniform in respect to persons and property within the jurisdiction of the body imposing the same. And the General Assembly shall require that all the property, except that heretofore exempted within the limits of municipal corporations, shall be taxed for the payment of debts contracted under authority of law.

Sec. 9. The General Assembly shall provide for the incorporation and organization of cities and towns, and shall restrict their powers of taxation, borrowing money, contracting debts, and of loaning their credit.

Sec. 10. No script, certificate, or other evidence of State indebtedness shall be issued, except for the redemption of stock, bonds, or other evidences of indebtedness previously issued, or for such debts, as are expressly authorized in this Constitution.

Sec. 11. An accurate statement of the receipts and expenditures of the public money shall be published with the laws of each regular session of the General Assembly, in such manner as may, by law, be directed.

Sec. 12. No money shall be drawn from the Treasury, but in pursuance of appropriation made by law.

Sec. 13. The fiscal year shall commence on the first day of November in each year.

Sec. 14. Any debt contracted by the State shall be by loan on State bonds, of amounts not less than fifty dollars each, on interest, payable within twenty years after the final

passage of the law authorizing such debt. A correct registry of all such bonds shall be kept by the Treasurer in numerical order, so as always to exhibit the number and amounts unpaid; and to whom severally made payable.

Sec. 15. Suitable laws shall be passed by the General Assembly for the safe keeping, transfer and disbursement of the State, County and school funds, and, all officers or other persons charged with the same, shall keep an accurate entry of each sum received, and of each payment and transfer; and shall give such security for the faithful discharge of such duties as the General Assembly may provide. And it shall be the duty of the General Assembly to pass laws making embezzlement of such funds a felony, punishable by fine and imprisonment proportioned to the amount of deficiency or embezzlement, and the party convicted of such felony shall be disqualified from holding any office of honor or emolument in this State; *Provided however*, That the General Assembly, by a two third vote, may remove the disability upon payment in full of the principal and interest of the sum embezzled.

Sec. 16. No debt contracted by this State in behalf of the late rebellion, in whole or in part, shall ever be paid.

ARTICLE— AMENDMENT AND REVISION OF THE CONSTITUTION.

Sec. 35. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives. If the same be agreed to by two-thirds of the members elected to each House, such amendment or amendments shall be entered on the journals respectively, with the yeas and nays taken thereon; and the same shall be submitted to the qualified electors of the State, at the next general election thereafter for Representatives; and if a majority of the electors, qualified to vote for members of the General Assembly, voting thereon, shall vote in favor of such amendment or amendments, and two-thirds of each of the next Legislature shall, after such an election, and before another, ratify the same amendment or amendments, by yeas and nays, the same shall become part of the Constitution; *Provided*, That such amendment or amendments shall have been read three times, on three several days, in each House.

Sec. 36. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote each amendment separately.

Sec. 37. Whenever two-thirds of the members elected to each branch of the General Assembly shall think it necessary to call a Convention to revise, amend, or change this Constitution, they shall recommend to the electors to vote at the next election for Representatives, for or against a Convention, the General Assembly shall, at their next session, provide by law for calling the same; and such Convention shall consist of a number of members not less than that of the most numerous branch of the General Assembly.

ARTICLE X.

EDUCATION.

Sec. 1. The supervision of public instruction shall be vested in a State Superintendent of Education, who shall be elected by the qualified electors of the State, in such manner and at such time as the other State officers are elected; his powers, duties, term of office and compensation shall be defined by the General Assembly.

Sec. 2. There shall be elected biennially, in each County, by the qualified electors, thereof, one school commissioner; said commissioners to constitute a board of education, of which the State superintendent shall by virtue of his office, be chairman; the powers, duties and compensation of the members of said board shall be determined by law.

Sec. 3. The General Assembly shall, as soon as practicable after the adoption of this Constitution, provide for a liberal uniform system of free public schools throughout the State, and shall also make provision for the division of the State into suitable school districts. There shall be kept open at least six months in each year one or more schools in each school district.

Sec. 4. It shall be the duty of the

General Assembly to provide for the compulsory attendance, at either public or private schools, of all children between the ages of six and sixteen years, not physically or mentally disabled, for a term equivalent to twenty-four months at least; *Provided*, That no law to that effect shall be passed until a system of public schools has been thoroughly and completely organized, and facilities afforded to all the inhabitants of the State for the free education of their children.

Sec. 5. The General Assembly shall levy, at each regular session after the adoption of this Constitution, an annual tax on all taxable property throughout the State for the support of public schools, which tax shall be collected at the same time and by the same agents as the general State levy, and shall be paid into the Treasury of the State. There shall be assessed on all taxable polls in the State, an annual tax of \$1 on each poll, the proceeds of which tax shall be applied solely to educational purposes; *Provided*, That no person shall ever be deprived of the right of suffrage for the non-payment of said tax. No other poll or capitation tax shall be levied in the State, nor shall the amount assessed on each poll to exceed the limit given in this section. The school tax shall be distributed among the several school districts of the State, in proportion to the respective number of pupils attending the public schools. No religious sect or sects shall have exclusive right, to, or any part of the school funds of the State, nor shall sectarian principles be taught in the public schools.

Sec. 6. Within five years after the first regular session of the General Assembly, following the adoption of this Constitution, it shall be the duty of General Assembly to provide for the establishment and support of a State Normal School, which shall be open to all persons who may wish to become teachers.

Sec. 7. Educational institutions for the benefit of all the blind, deaf and dumb, and such other benevolent institutions as the public good may require, shall be established and supported by the State, subject to such regulations as may be prescribed by law.

Sec. 8. Provisions shall be made by law, as soon as practicable, for the establishment and maintenance of a State Reform School for juvenile offenders.

Sec. 9. The General Assembly shall provide for the maintenance of the State University, and as soon as practicable, provide for the establishment of an Agricultural College, and shall appropriate the land given to this State for the support of such a College, by the Act of Congress, passed July, 2nd, 1862, or the money scrip, as the case may be, arising from the sale of said lands, or any lands which may hereafter be given or appropriated for such purposes, for the support and maintenance of such college, and may make the same a branch of the State University, for instruction in agriculture; the mechanic arts, and the natural sciences connected therewith.

Sec. 10. All the public schools, colleges and universities of this State, supported by the public funds, shall be free and open to all the children and youths of the State, without regard to race or color.

Sec. 11. The proceeds of all lands that have been, or may hereafter be, given by the U. S. to this State for educational purposes, and not otherwise appropriated by this State or the U. S. States, and of all the lands or other property given by individuals or appropriated by the State for like purposes, and of all estates of deceased persons who have died without leaving a will or heir, shall be securely invested and sacredly preserved as a State School Fund, and the annual interest and income of said fund, together with such other means as the General Assembly may provide, shall be faithfully appropriated for the purpose of establishing and maintaining free public schools, and for no other purposes or uses whatever.

LIFE-PRESERVER.—A gentleman of this city has recently patented an appliance for preserving life in water. It consists simply of a cork jacket and a loose rubber suit, the latter in a single piece, and covering the entire person with the exception of the face and hands. The whole weighs 8½

pounds, and is put on in two or three minutes. There are also iron-soled shoes for ballast. At Battery place yesterday afternoon the inventor made a practical exhibition, which, though unannounced and intended to be strictly private, attracted a large crowd and excited a good deal of interest. After being dressed in his suit, the inventor waded in the river and sank at once to his arm-pits. Remaining in an erect position, he paddled off amid the plaudits of the lookers-on. After a while, from a tin case attached to his waist by a string, and which floated behind him, he removed a small roll, which he proceeded leisurely to unfold, and which proved to be a staff about eight feet long. This he fastened to the can, and from its top the breeze unfurled a flag bearing the word "Eureka." He also extracted apples and other provisions from the can; and after refreshing himself from these, he turned over on his back, and was borne seaward by the outgoing tide. At the end of forty minutes or thereabouts he worked his way to the shore, where he was received by the crowd and showered with complimentary remarks.—*N. Y. Tribune.*

A SINGULAR CASE.—A MAN STRUCK DUMB ON THE CARS.—A gentleman who resides in Wilkes county, and was returning home from Augusta on Thursday last, entirely lost the power of speech soon after the train left Augusta. We heard him attempting to talk soon after he got on the train, and in a few moments he could not articulate a word. He was in the possession of all faculties, but his lips were literally sealed. His distress was very touching, and he wrote replies to questions addressed him by the passengers, and tried to bear up under the terrible visitation. He said that he had been on a spree. He hoped it was only a species of delirium, and would wear off with rest and sleep. He said he had once been partially deprived of his speech before for a short time in Virginia. His case attracted much attention among the passengers, several of whom knew him, and were satisfied that he was not using deception. His case was a most forcible illustration of the summary and terrible manner in which nature sometimes punishes a violation of her laws.—*Athens (Ga.) Banner.*

A PUZZLING GAME.—The Atlanta correspondent of the *Augusta Chronicle* tells of a chap who came down from one of the upper counties and encountered a man with a hand-organ. The man began to turn and the countryman put down a quarter, which the other immediately took up. Down went another, which shared the same fate, and then another. The stranger, finding his pile getting low, turned to a bystander and asked, "Mister, what sort of a game is this anyhow?"

TRUE COURTESY.—Real courtesy is widely different from the courtesy which blooms only in the sunshine of love and the smile of beauty, withers and cools down in the atmosphere of poverty, age, and toil. Show me the man who can quit the brilliant society of the young to listen to the kindly voice of age; who can hold cheerful converse with one of whom years have deprived of charms. Show me the man of generous impulses, who is always ready to help the poor and needy; show me the man who treats unprotected maidenhood as he would the heiress, surrounded by the protection of rank, riches and family. Show me the man who never forgets for an instant the delicacy, the respect, that is due to woman, in any condition or class. Show me such a man and you show me a gentleman—nay, you show me better—you show me a true Christian.

FLY IN WHEAT.—Intelligent farmers tell us that the fly is making its appearance in the wheat in portions of Rockingham. This is especially the case on some of the fine wheat lands on Linville's creek. Major John P. Brock, an extensive farmer in that region, who has about 150 acres out expects hardly to realize 500 bushels. He had sown about 300 bushels, and had used three tons of guano. Other farmers on the creek make the same representations on this subject.

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